

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

Examiner: C. A. Marmor, II

Group Art Unit: 3736

For: **ELECTROSURGICAL BIOPSY
DEVICE AND METHOD**

Serial No.: 10/650,027

Filed: August 27, 2003

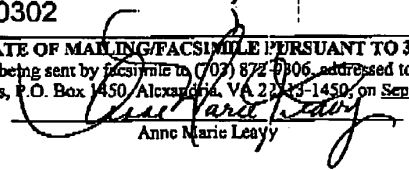
Atty. Docket No.: R0367-00302

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CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 872-9906, addressed to Examiner C. A. Marmor, II, at Mail Stop
Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 14, 2004, in San Francisco, CA.


Anne Marie Leavy

TERMINAL DISCLAIMER BY ATTORNEY

Via Facsimile

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. The assignee is the registered owner of all right, title and interest in and to the above-identified application. The assignment is recorded in Reel No. 9482, Frame 0948-0952.

The applicants hereby disclaim the now pending claims 27-57 in any patent containing those claims which is granted on the above-identified application beyond the expiration date of the full statutory term of U.S. Patent No. 6,261,241.

It is hereby agreed that the now pending claims 27-57 shall be enforceable only for and during such period that the legal title to any patent granted on the above-

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Identified application containing said claims shall be the same as the legal title to U.S. Patent No. 6,261,241. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,261,241 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321 (a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The applicants hereby disclaim the now pending claims 42-46 in any patent containing those claims which is granted on the above-identified application beyond the expiration date of the full statutory term of U.S. Patent No. 6,689,071.

It is hereby agreed that the now pending claims 42-46 shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application containing said claims shall be the same as the legal title to U.S. Patent No. 6,689,071. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,689,071 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321 (a), has all claims cancelled by a

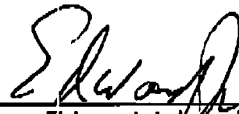
reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The applicants hereby disclaim the now pending claims 28-33 and 42-53 in any patent containing those claims which is granted on the above-identified application beyond the expiration date of the full statutory term of U.S. Patent No. 6,497,706.

It is hereby agreed that the now pending claims 28-33 and 42-53 shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application containing said claims shall be the same as the legal title to U.S. Patent No. 6,497,706. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,497,706 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321 (a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated: Sept 14 2004



Edward J. Lynch
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